



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, N.Y. 10007

MICHAEL A. CARDOZO
Corporation Counsel

MEGHAN A. CAVALIERI
Assistant Corporation Counsel
Tel. (212) 788-6405
Fax. (212) 788-9776

September 17, 2008

VIA FAX

Honorable George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007
(212) 805-6737

Re: Andre Mullin, et al., v. City of New York, et al. 07 CV 4760 (GBD)

Dear Judge Daniels:

Enclosed please find a STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE which has been executed by the parties in the above-referenced matter. We respectfully request that Your Honor so order the enclosed STIPULATION.

Respectfully submitted,

Meghan Cavalieri

Meghan A. Cavalieri (MC 6758)
Assistant Corporation Counsel
Special Federal Litigation Division

cc:

VIA FAX

Steven William Epstein, Esq.
Fax: (212) 422-2111

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDRE MULLIN and GABRIEL QUIROS,

Plaintiffs,

-against-

THE CITY OF NEW YORK, THE NEW YORK
POLICE DEPARTMENT, AND P.O. "John" ISCOVICI
badge #26836,

Defendants.

STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE

07 CV 4760 (GBD)

WHEREAS, plaintiffs commenced this action by filing a complaint on or about June 5, 2007, alleging that defendants violated their constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff Andre Mullin the total sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500) in full satisfaction of all claims, including claims for costs, expenses and attorney fees and plaintiff Gabriel Quiros the total sum of TWENTY THOUSAND DOLLARS (\$20,000) in full

satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiffs agree to dismissal of all the claims against the City of New York and to release the individually named defendant Daniel Iscovici¹ and any present or former employees or agents of the New York City Police Department and the City of New York, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

¹ In the caption of the complaint, Police Officer Daniel Iscovici was identified as "John" Iscovici.

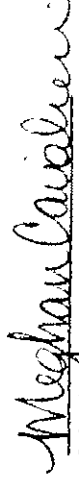
Dated: New York, New York
9/17/2008

Steven W. Epstein, Esq.
Attorney for Plaintiff
PO Box 929
New York, NY 10040
(212) 422-2100



By: Steven W. Epstein, Esq. (SE)

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street
New York, NY 10007
(212) 788-6405

By: 
Meghan A. Cavalieri (MC 6758)
Assistant Corporation Counsel

SO ORDERED:

U.S.D.J.